

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHERYL KATER and SUZIE KELLY,  
individually and on behalf of all others similarly  
situated,

*Plaintiffs,*

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CHURCHILL DOWNS INCORPORATED, a Kentucky corporation, and BIG FISH GAMES, INC., a Washington corporation.

### *Defendants.*

MANASA THIMMEGOWDA, individually and  
on behalf of all others similarly situated,

*Plaintiffs,*

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BIG FISH GAMES, INC., a Washington corporation; ARISTOCRAT TECHNOLOGIES INC., a Nevada corporation; ARISTOCRAT LEISURE LIMITED, an Australian corporation; and CHURCHILL DOWNS INCORPORATED, a Kentucky corporation.

*Defendants.*

No. 15-cv-00612-RSL

**ORDER GRANTING CLASS  
REPRESENTATIVE SUZIE KELLY'S  
UNOPPOSED MOTION TO SEAL**

No. 19-cv-00199-RSL

**ORDER GRANTING CLASS  
REPRESENTATIVE SUZIE KELLY'S  
UNOPPOSED MOTION TO SEAL**

1 Pursuant to Civil Local Rule 5(g), Class Representative Suzie Kelly respectfully moves  
 2 for leave to file under seal an unredacted version of the Declaration of Suzie Kelly in Support of  
 3 Request for Class Representative Incentive Award (the “Kelly Declaration”), which is filed in  
 4 support of Class Counsel’s Motion for Award of Attorneys’ Fees and Expenses and Issuance of  
 5 Incentive Awards.<sup>1</sup> Specifically, Ms. Kelly requests leave to file under seal Paragraphs 7-22 of  
 6 the Kelly Declaration.<sup>2</sup>

7 While there exists a “strong presumption of access to judicial records,” the presumption  
 8 is overcome by a showing of “good cause” to seal documents attached to non-dispositive  
 9 material. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1179-1180 (9th Cir. 2006). This  
 10 “good cause” standard is notably less stringent than the “compelling reasons” threshold that must  
 11 be satisfied for dispositive motions—and for good reason: records attached to non-dispositive  
 12 materials routinely “[have] little public value beyond [the] presumption” of access. *Hill v. Xerox*  
 13 Corp., No. 12-cv-0717-JCC, 2014 WL 1356212, at \*1 (W.D. Wash. Apr. 7, 2014); *see also*  
 14 *Hanson v. Wells Fargo Home Mortg., Inc.*, No. 13-cv-0939-JLR, 2013 WL 5674997, at \*2  
 15 (W.D. Wash. Oct. 17, 2013) (same).

16 Paragraphs 7-22 of the Kelly Declaration reveal substantial sensitive and personal  
 17 information pertaining to Ms. Kelly’s experiences during this litigation. Kelly’s request for an  
 18 incentive award is not a dispositive motion, and because of the nature of the information  
 19 contained in these portions, there is good cause to permit her to file these portions under seal.  
 20 *See, e.g., Wagafe v. Trump*, No. 17-cv-94 RAJ, 2019 WL 4673334, at \*2 (W.D. Wash. May 28,  
 21 2019) (good cause exists where the document includes “sensitive personal information”); *United*  
 22 *States v. Mahoney*, No. 18-cr-0090-JCC, 2019 WL 1040402, at \*4 (W.D. Wash. Mar. 5, 2019)

23  
 24 <sup>1</sup> Consistent with LCR 5(g)(1), Plaintiff has conferred with Defendants in an attempt to minimize the amount  
 of material filed under seal, and Defendants do not oppose Plaintiffs’ motion to seal.

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 26 <sup>2</sup> In accordance with LCR 5(g), Ms. Kelly has publicly filed a partially-redacted version of the Kelly  
 Declaration and has attached the unredacted Kelly Declaration hereto.

1 (same); *Miller v. Boys & Girls Clubs of Snohomish Cty.*, No. 15-cv-2027-JCC, 2017 WL  
2 897811, at \*10 (W.D. Wash. Mar. 7, 2017) (same). If these portions were made public, Ms.  
3 Kelly would suffer substantial fear, anxiety, and embarrassment. Filing a limited portion of Ms.  
4 Kelly's declaration under seal is the least restrictive way to avoid this harm.

5 For the foregoing reasons, Class Representative Kelly requests leave to file under seal an  
6 unredacted version of the attached Declaration of Suzie Kelly. Pursuant to LCR 5(g)(6), should  
7 the Court deny this motion, Ms. Kelly requests that the Court please allow her to withdraw the  
8 Kelly Declaration, rather than unseal it.

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10 Respectfully submitted,

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12 December 14, 2020

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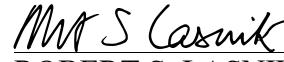
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9 *Plaintiff's Attorneys and Class Counsel*  
10 \*Admitted *pro hac vice*  
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12 IT IS SO ORDERED.  
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14 Dated this 5th day of January, 2021.  
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17 ROBERT S. LASNIK  
18 UNITED STATES DISTRICT JUDGE  
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